

"Please File in Case"

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,

Plaintiff

CIVIL NO. 00-1090

12/7/00 (ss)

U.S. DISTRICT JUDGE

VS.

FILED ^{by State Judge Smy}
HARRISBURG

DR. ROBERT CLARK et al.,

Defendants

DEC 06 2000

MARY E. D'ANDREA, CLERK

Per _____

DEPUTY CLERK

PLAINTIFF'S APPEAL TO THE U.S. DISTRICT JUDGE
FROM THE U.S. MAGISTRATE JUDGE'S ORDER OF 11/30/00

Plaintiff John Richard Jae, a layman unlettered in the field of law & Legal Procedures within the United States, now files Plaintiff's Appeal to the U.S. District Judge from the U.S. Magistrate Judge Order of 11/30/00 pursuant to Fed. R. Civ. P. Rule 72(a) & M.D.L.R. 72, hereinafter referred to as the "Order".

states:

Plaintiff John Richard Jae now hereby appeals from & specifically objects to the portion of the U.S. Magistrate Judge's Order of 11/30/00, as follows:

"We construe the plaintiff's motion as a motion to compel discovery."

Plaintiff appeals from & specifically objects to such because there is no federal law and/or Local Rule of this Court which permits the U.S. Magistrate to sua sponte construe Plaintiff's Motion for Order Allowing Plaintiff to Copy His Prison Psychiatric/Mental Health Records as a Motion to compel discovery. Had the U.S. Magistrate Judge not done so he never would have been able to deny Plaintiff's Motion the way he did, thus the U.S. Magistrate Judge's 11/30/00 order, herein, is clearly erroneous & contrary to Federal law & must be reversed by this Court.

Plaintiff furthermore appeals from & specifically objects to the portion of the U.S. Magistrate Judge's 11/30/00 order which states: "See U.S. Magistrate Judge's 11/30/00 order at..."